

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - S/S Eastern Blvd.,
217' E of the c/l Dorothy Avenue * DEPUTY ZONING COMMISSIONER
(309 Eastern Boulevard)
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Russell M. McClelland, et ux * Case No. 99-89-SPHA
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Russell M. and Catherine C. McClelland. The Petitioners seek approval of an amendment to the previously approved site plan in prior Case No. 77-107-A to permit an addition to the existing building on the subject property and to reconfirm a (east) side yard setback of 0 feet along the adjoining parcel line between 309 and 311 Eastern Boulevard, which was granted in the prior case. The Petitioners also seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.2 to permit a (west) side yard setback of 0 feet in lieu of the required 30 feet for an existing addition; from Section 409 to permit 8 parking spaces in lieu of the required 12; and, from Sections 409.4.A and C to permit a minimum drive/parking aisle width of 9 feet in lieu of the required 20 feet and 22 feet, respectively. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Russell McClelland, property owner, and Nicholas Commadari, Zoning Consultant. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

Testimony and evidence offered revealed that the subject property consists of 0.158 acres, more or less, zoned B.R.-C.C.C. The property is located near the intersection of Eastern Boulevard and Mace Avenue in Essex, not far from Back River. The property is improved with an automotive body and fender business which has been owned and operated by the Petitioner for the past two years. The Petitioner recently constructed an addition to the existing building to provide much needed storage space for his growing business. Mr. McClelland testified that he understood that the requisite permits had been obtained from Baltimore County by someone he had hired to represent him; however, upon receipt of a zoning violation notice from a Code Enforcement Inspector with the Department of Permits and Development Management (DPDM), the Petitioner learned that no permit was ever issued. At the time he was cited with the zoning citation, the addition was already completed and the Petitioner was advised to file the instant Petitions to legitimize existing conditions on the property.

Further testimony revealed that the Petitioners own other property in the immediate area, including the adjoining property at 311 Eastern Boulevard. Mr. McClelland is a resident of the area and provides a valuable service to the Essex/Middle River communities. He maintains his business in a neat and orderly fashion and has made considerable improvements to the property since he took ownership. Mr. McClelland testified that he also plans to add a landscaping planter on the front of the building facing Eastern Boulevard, as shown on the site plan.

It is to be noted that the Office of Planning submitted Zoning Plans Advisory Committee (ZAC) comments, dated September 22, 1998, wherein they indicate support for the Petitioners' request, based upon the elevation drawings and landscape plan submitted for review by that agency as

part of their Development Review Committee proceedings. It was further requested that I condition approval of the relief sought herein upon the Petitioners resubmitting elevation drawings and a landscape plan for their review and approval, prior to the issuance of any building permits. At the hearing before me, the Petitioner submitted an elevation drawing of the addition, which was accepted into evidence as Petitioner's Exhibit 2. This plan also showed proposed landscaping for the subject site. I am satisfied that the elevation drawing/landscape plan marked as Petitioner's Exhibit 2 sufficiently complies with this requirement and see no basis for requiring that an additional elevation drawing or landscape plan need be submitted. In my view, the proposed landscaping is sufficient, given the location of this property and uses in the area. Thus, I shall only require that the Petitioners provide landscaping in accordance with the plan marked as Petitioner's Exhibit 2.

It is also to be noted that this property is located within the Chesapeake Bay Critical Areas, not far from Back River. Thus, compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), as set forth in their Zoning Plans Advisory (ZAC) comment dated September 10, 1998, shall be required as a condition of approval.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly

enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case.

After due consideration of the testimony and evidence presented, I find that the special hearing and variance relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the relief requested

COPIES RECEIVED FOR FILING
10/23/88
By

would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of October, 1998 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in prior Case No. 77-107-A to permit an existing addition to the existing building to remain, and to reconfirm a side yard setback of 0 feet on the east side along the adjoining parcel line between 309 and 311 Eastern Boulevard, as was granted in the prior case, and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.2 to permit a (west) side yard setback of 0 feet in lieu of the required 30 feet for an existing addition; from Section 409 to permit 8 parking spaces in lieu of the required 12; and, from Sections 409.4.A and C to permit a minimum drive/parking aisle width of 9 feet in lieu of the required 20 feet and 22 feet, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

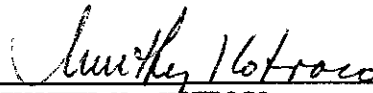
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Within sixty (60) days of the date of this Order, the Petitioners shall construct a landscape planter along the front of the building facing Eastern Boulevard, as shown on the site plan. Moreover, all landscaping proposed for this planter shall be in accordance with that shown on the elevation drawing submitted into evidence as Petitioner's Exhibit 2.

3) Compliance with the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated September 10, 1998, a copy of which is attached hereto and made a part hereof.

4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

RECEIVED
DATE 10/23/98
BY [signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 23, 1998

Mr. & Mrs. Russell M. McClelland
1320 Gooseneck Road
Baltimore, Maryland 21220

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Eastern Boulevard, 217' E of the c/l Dorothy Avenue
(309 Eastern Boulevard)
15th Election District - 7th Councilmanic District
Russell M. McClelland, et ux - Petitioners
Case No. 99-89-SPHA

Dear Mr. & Mrs. McClelland:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Nicholas Commodari
3410 Woodstock Avenue, Baltimore, Md. 21213

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Code Enforcement Division, DPDM
DEPRM; Office of Planning; People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

#309 Eastern Boulevard

which is presently zoned B.R.

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the site plan in the case # 77-107-A to allow an addition to the existing building at #309 Eastern Boulevard and to reconfirm the 0' variance along the joint parcel line between #309 & #311 Eastern Boulevard, granted in this case.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Russell Madison Mc Clelland

(Type or Print Name)

Signature

Signature

Address

Catherine Cecilia Mc Clelland

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

1320 Gooseneck Rd 410-335-1087

Address

Phone No

(Type or Print Name)

Baltimore, Maryland 21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Signature

Nicholas Commodari

Name

Address

Phone No.

3410 Woodstock Ave 410-235-6811

Address

21213

Phone No

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 HR

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

JLL

DATE

8/28/90

Revised 9/5/95

99-89-SPHA

ORDER RECEIVED FOR FILING

Date

By



CBCA 89

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at # 309 Eastern Boulevard

which is presently zoned B.R.

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Russell Madison Mc Clelland

(Type or Print Name)

Signature

Catherine Cecilia Mc Clelland

(Type or Print Name)

Signature

1320 Gooseneck Rd 410-335-1087

Address

Phone No

Baltimore, Maryland 21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Nicholas Commodari

Name

3410 Woodstock Ave 410-235-6811

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JLL

DATE

8/28/98

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

49-89-SPHA

VARIANCE REQUESTS

Section 238.2	to permit an existing side yard setback of 0' along the western property line in lieu of the required 30' for an existing addition
Section 409	to permit 8 parking spaces in lieu of the required 12 parking spaces
Section 409.4C + 409.4.A/WBL	to permit a minimum aisle width of 9' in lieu of the required 22' PARKING AISLE + 20' DRIVE AISLE

REASONS FOR VARIANCES

Due to increased business and need for additional parts storage, the addition is needed. The narrowness of the subject property and location of the main building dictates where the existing addition has been located. The parking requirements are excessive and not needed for the type of operation that is conducted on the subject property. Additional information will be provided at the hearing.

Undue hardship and practical difficulty would result unless the requested variances are granted.

10/23/98
409

89

February 21, 1998

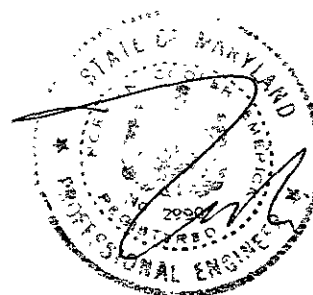
ZONING DESCRIPTION FOR 309 EASTERN AVE.

BLVD / JML

Beginning at a point on the south side of Eastern Ave. which is 60 feet wide at the distance of 217 feet east of the centerline of Dorothy Ave. which is 35 feet wide. Being lot # 17, Section 1 in the subdivision of Mt. Holly Terrace as recorded in Baltimore County Plat Book # 7, Folio #52 containing 6902 square feet. Also known as 309 Eastern Ave. and located in the 15th Election District, 7th Councilmanic District.

BLVD / JML

BLVD / JML



99-89-SPHA

BALTIMORE COUNTY, MARYL. , # 89 No. 054701
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 8/28/98 ACCOUNT Pool 6150
AMOUNT \$ 500.00

RECEIVED FROM: Nick Commadari (Dev Consultants)

FOR: SPHA Non Res Filing

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT
1997-98 BUDGET
02/28/1998 16532230
02/28/1998 CASHIER KASH KASH BUDGET
02/28/1998 CASH KASH KASH
02/28/1998 067206
02/28/1998 500.00 CASH
BALTIMORE COUNTY, Maryland

CASHIER'S VALIDATION

99-89-SPHA

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #89-85-SHA
309 Eastern Boulevard
S/S Eastern Boulevard, 217
E of Dorothy Avenue
18th Election District
7th Councilmanic District
Legal Owner(s):
Russell Madison McClelland
& Catherine Cecilia McClelland

Special Hearing, to approve an amendment to the plan-in case number 77-107-A to allow an addition to the existing building at 309 Eastern Boulevard and to reconfirm the zero foot variance between 309 and 311. Variance to permit an existing side yard setback of zero feet along the western property line in lieu of the required 30 feet for an existing addition; to permit 8 parking spaces in lieu of the required 12 parking spaces; and to permit a minimum aisle width of 8 feet in lieu of the required 22-foot parking aisle and 20-foot drive aisle.
Hearing: Tuesday, October 6, 1998 at 9:30 a.m., in Room 407, County Court Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please call (410) 687-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 687-3391.

9225 Sept. 17 C258731

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/17, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/17, 1998.

THE JEFFERSONIAN.

A. Henricson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 99-89-SPHA
Petitioner/Developer:
(Russell M. McClland)
Date of Hearing/Closing:
(Oct. 6, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

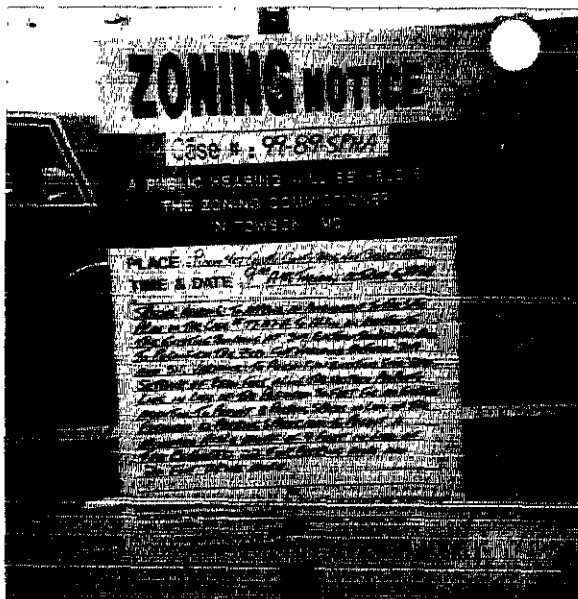
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

309 Eastern Blvd. Baltimore, Maryland 21221 _____

The sign(s) were posted on _____ Sept. 21, 1998 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-89-A
Petitioner: McCLELLAND
Address or Location: #309 EASTERN BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: RUSSELL McCLELLAND c/o BAYSIDE AUTO
Address: 310 EASTERN BLVD.
BALTO. MD. 21221
Telephone Number: 410-391-9414

Revised 2/20/98 - SCJ

99-89-SPHA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-89-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO AMEND THE SITE PLAN IN ZONING CASE 77-107-A
AND VARIANCES TO ALLOW A ~~31~~ ZERO FT SIDE SETBACK FOR A BUILDING
EXTENSION AND TO PERMIT 8 PARKING SPACES IN LIEU OF 12 AND TO PERMIT PARKING
AISES OF AS ^{LITTLE} ~~9~~ AS 9 FT AND DRIVE AISES AS ^{LITTLE} ~~20~~ AS 9 FT. IN LIEU
OF THE REQUIRED 22 AND 20 FT RESPECTIVELY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
September 17, 1998 Issue - Jeffersonian

Please forward billing to:

Russell McCelland 410-391-9414
c/o Bayside Auto Body
310 Eastern Boulevard
Baltimore, MD 21221

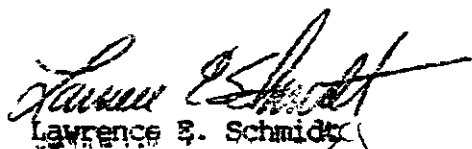
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-89-SPHA
309 Eastern Boulevard
S/S Eastern Boulevard, 217' E of Dorothy Avenue
15th Election District - 7th Councilmanic District
Legal Owner: Russell Madison McClelland & Catherine Cecilia McClelland

Special Hearing to approve an amendment to the site plan in the case number 77-107-A to allow an addition to the existing building at 309 Eastern Boulevard and to reconfirm the zero foot variance between 309 and 311. Variance to permit an existing side yard setback of zero feet along the western property line in lieu of the required 30 feet for an existing addition; to permit 8 parking spaces in lieu of the required 12 parking spaces; and to permit a minimum aisle width of 9 feet in lieu of the required 22-foot parking aisle and 20-foot drive aisle.

HEARING: Tuesday, October 6, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 2, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-89-SPHA

309 Eastern Boulevard

S/S Eastern Boulevard, 217' E of Dorothy Avenue

15th Election District - 7th Councilmanic District

Legal Owner: Russell Madison McClelland & Catherine Cecilia McClelland

Special Hearing to approve an amendment to the site plan in the case number 77-107-A to allow an addition to the existing building at 309 Eastern Boulevard and to reconfirm the zero foot variance between 309 and 311. Variance to permit an existing side yard setback of zero feet along the western property line in lieu of the required 30 feet for an existing addition; to permit 8 parking spaces in lieu of the required 12 parking spaces; and to permit a minimum aisle width of 9 feet in lieu of the required 22-foot parking aisle and 20-foot drive aisle.

HEARING: Tuesday, October 6, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish.

Arnold Jablon
Director

c: Catherine & Russell McClelland
Nicholas Commodari

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 21, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 30, 1998

Mr. Nicholas Commodari
3410 Woodstock Avenue
Baltimore, MD 21213

RE: Item No.: 89
Case No.: 99-89-SPHA
Location: 309 Eastern Blvd.


Dear Mr. Commodari:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 28, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours, . . .


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



Sent
10/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 22, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 309 Eastern Boulevard

INFORMATION:

Item Number: 89

Petitioner: Russell Madison Mc Clelland

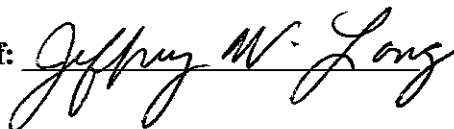
Zoning: BR

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the applicant's request; however, a landscape plan and elevations were submitted for review by this office as part of a DRC request and these details are not shown on the plan accompanying the subject request. In the event that the Petitions for Variance and Special Hearing are granted, elevation drawings and a landscape plan should be submitted to this office for review and approval prior the issuance of any building permits.

Section Chief:



AFK/JL:



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 12, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 084, 085, 086,
087, 088, 089 AND 090.



Date: September 10, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *ABS/4*

SUBJECT: Zoning Item #89

McClelland - 309 Eastern Blvd.

Zoning Advisory Committee Meeting of September 8, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

----- Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

ORDER RECEIVED FOR FILING

Date 10/23/98

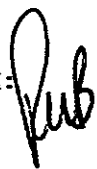
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 17, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 14, 1998
Item Nos. 084, 086, 087, 089 and
090

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0914.NOC

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
309 Eastern Boulevard, S/S Eastern Blvd., 217' E
of Dorothy Ave., 15th Election District,
7th Councilmanic

Legal Owners: Russell and Catherine McClelland

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-89-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

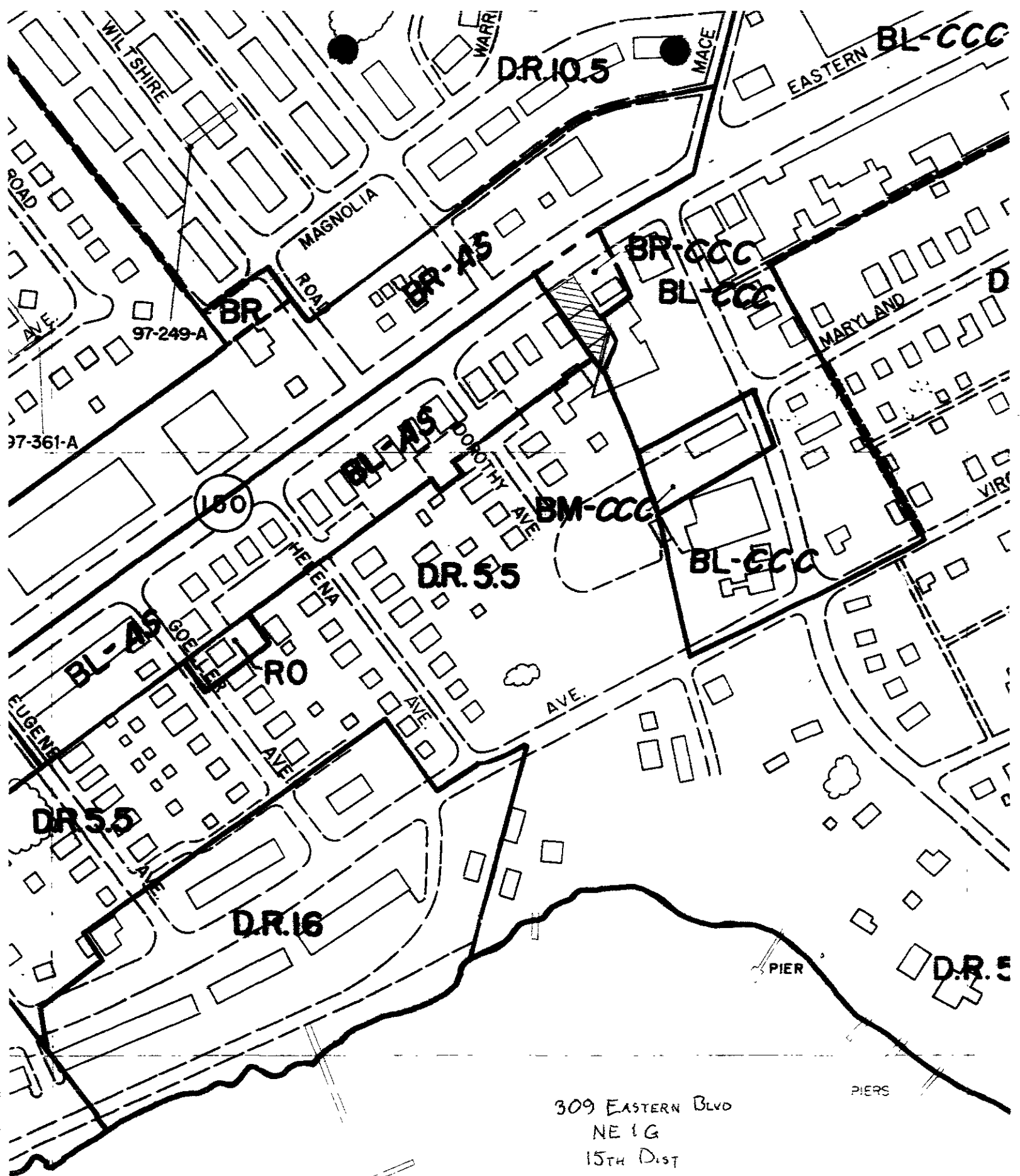
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

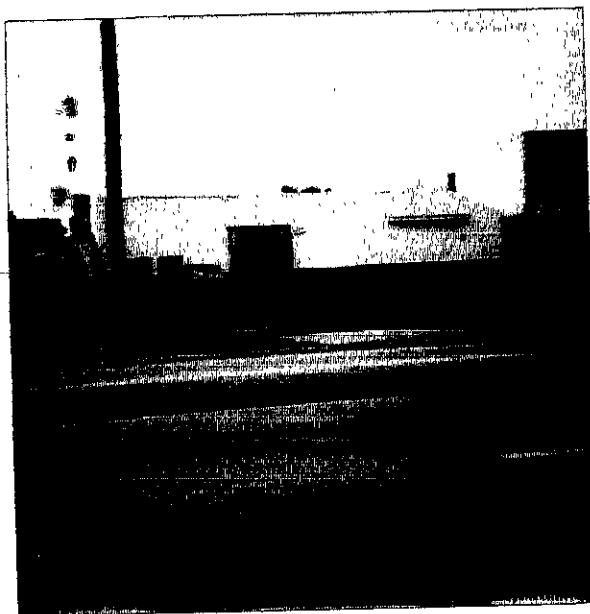
I HEREBY CERTIFY that on this 21st day of September, 1998, a copy of the foregoing Entry of Appearance was mailed to Nicholas Commodari, 3410 Woodstock Avenue, Baltimore, MD 21213, representative for Petitioner(s).

Peter Max Zimmerman

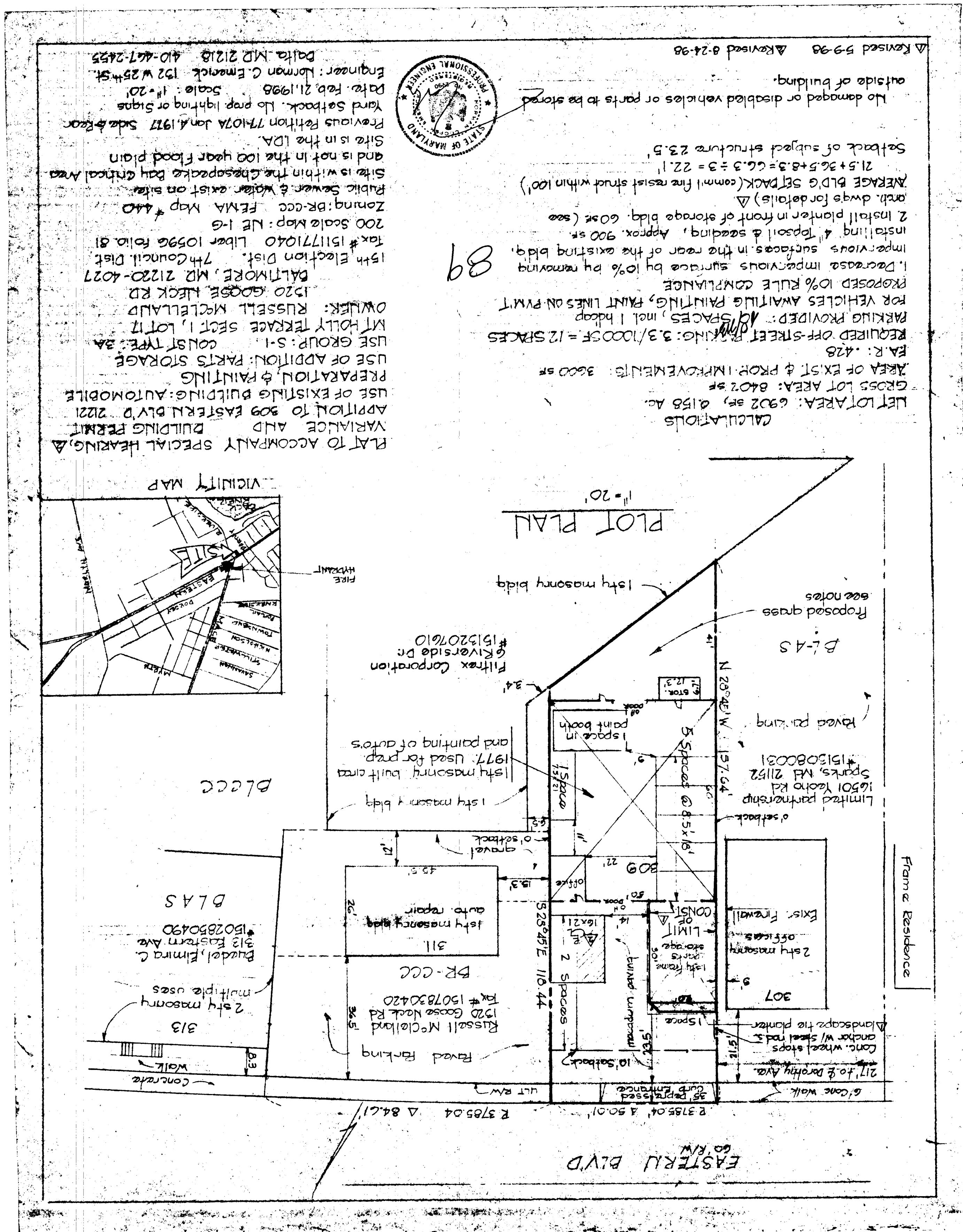
PETER MAX ZIMMERMAN

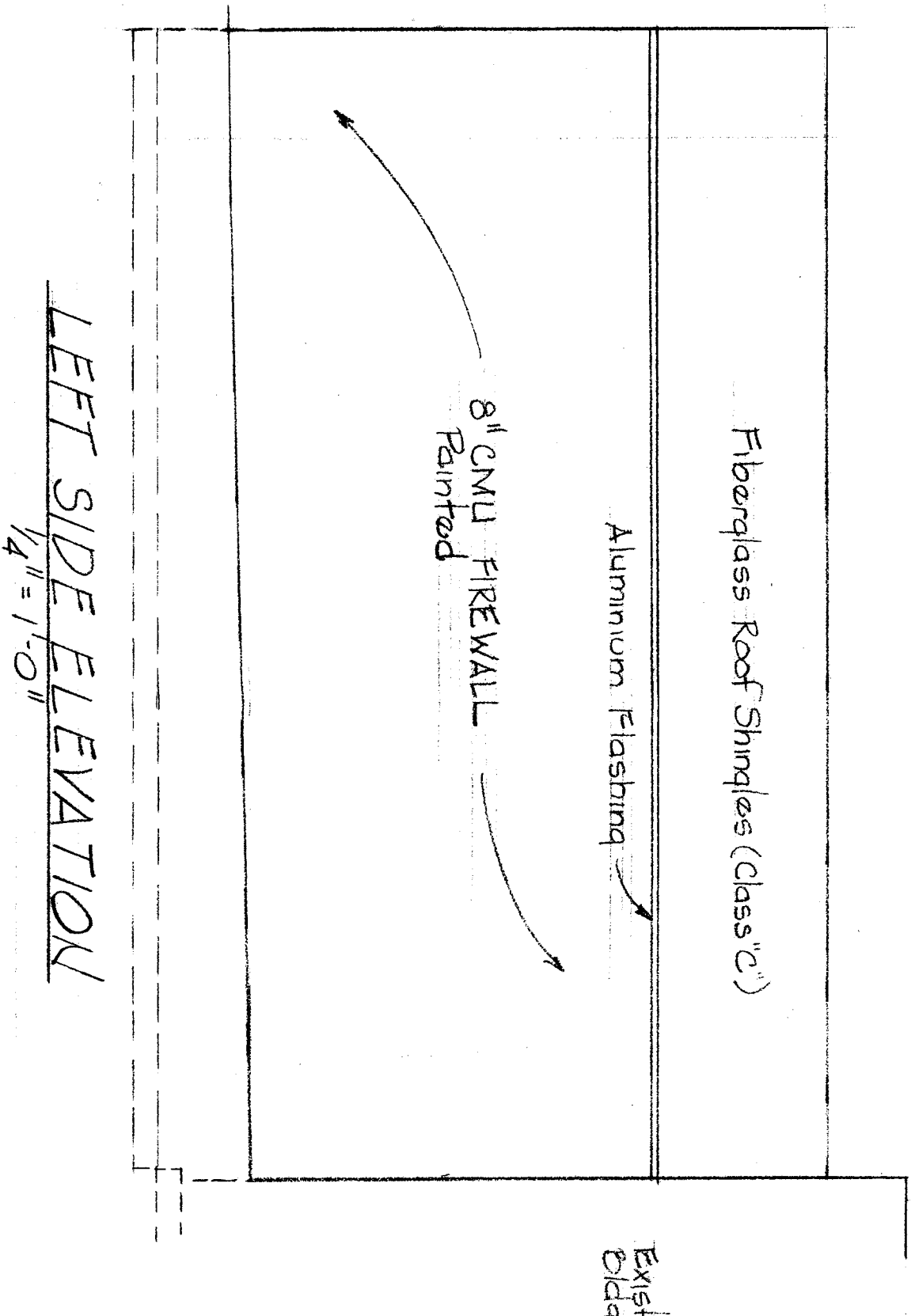
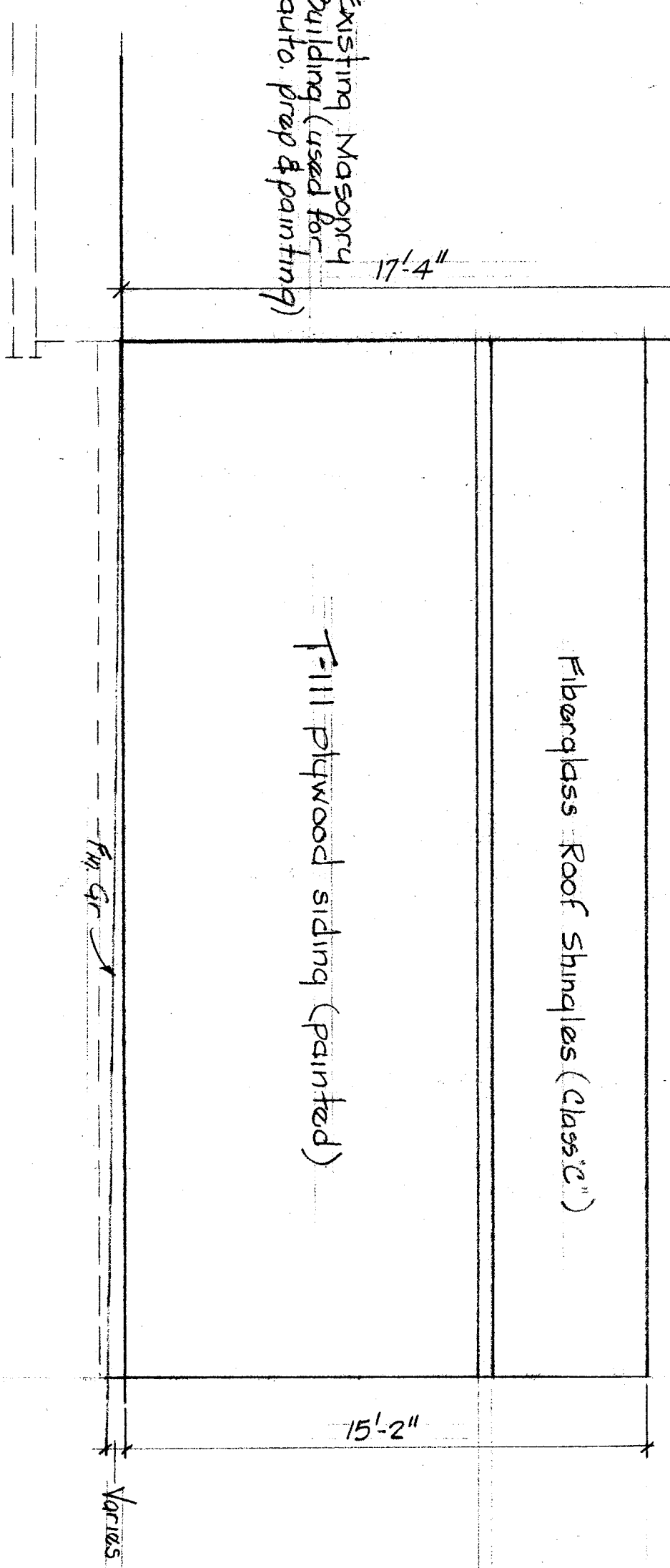
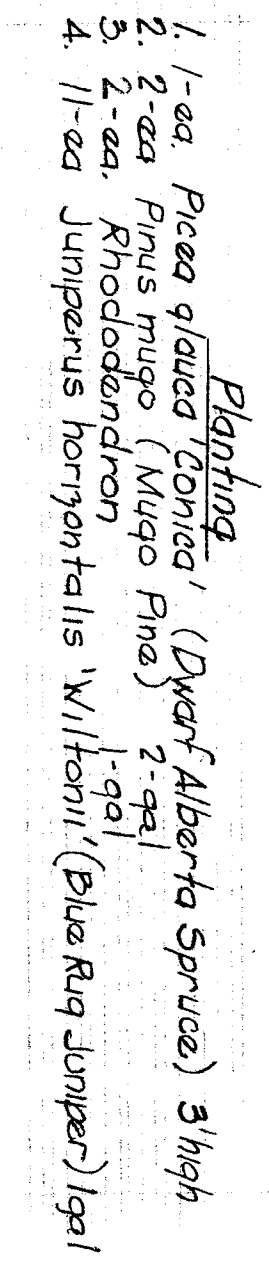
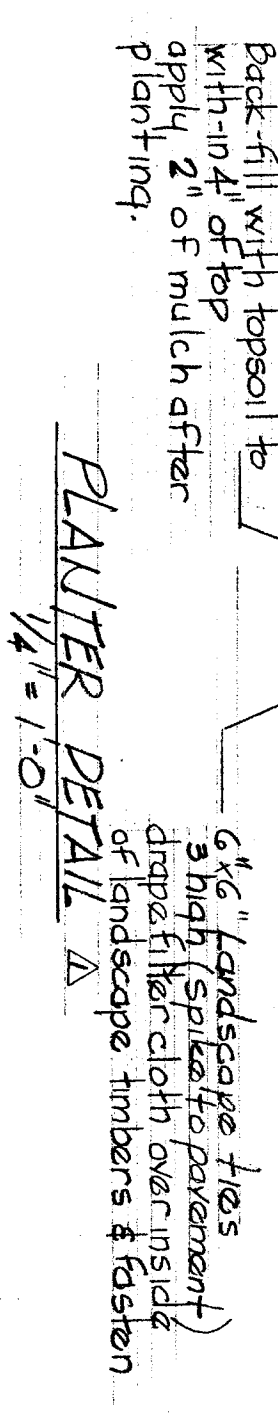
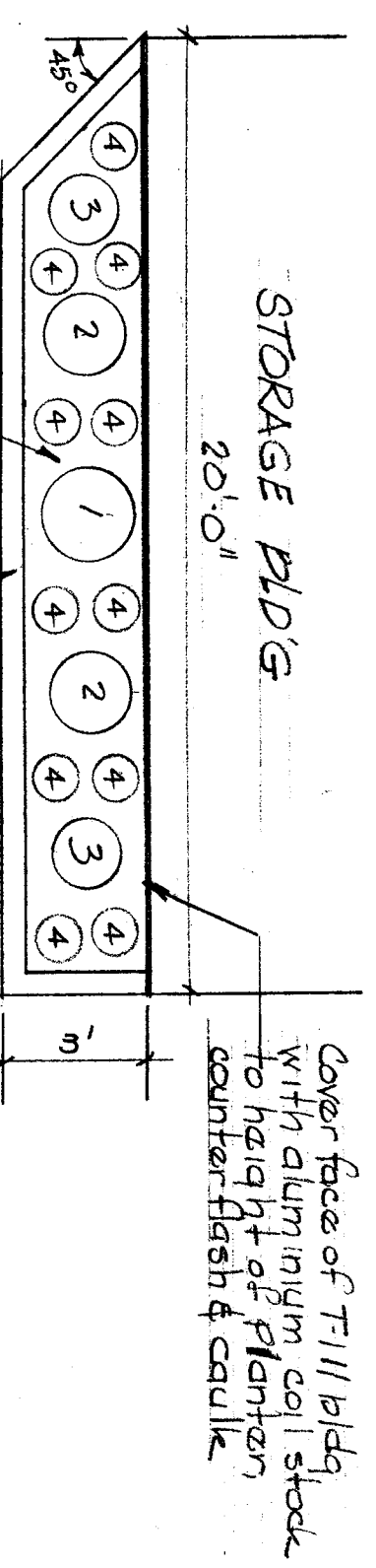
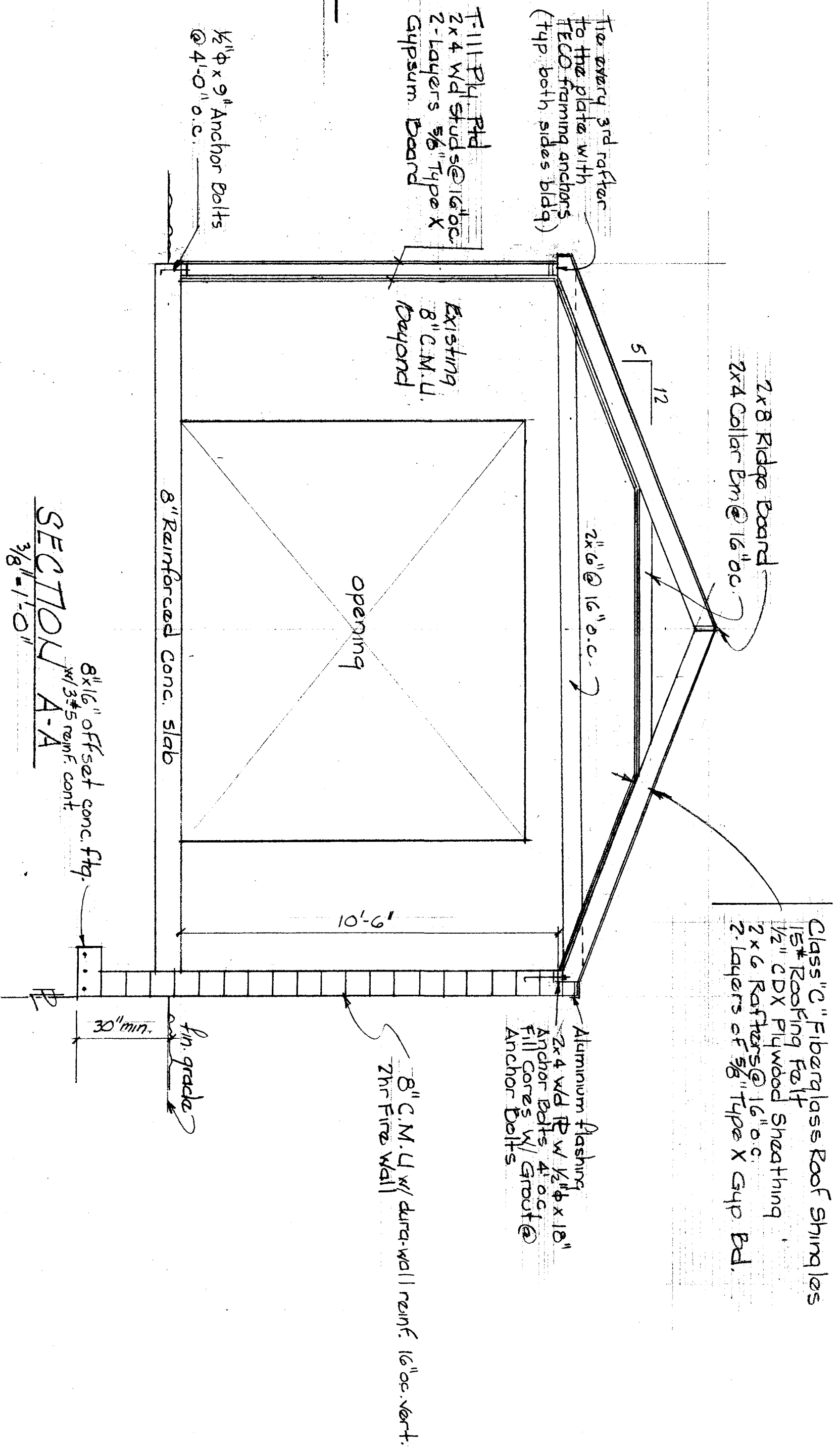
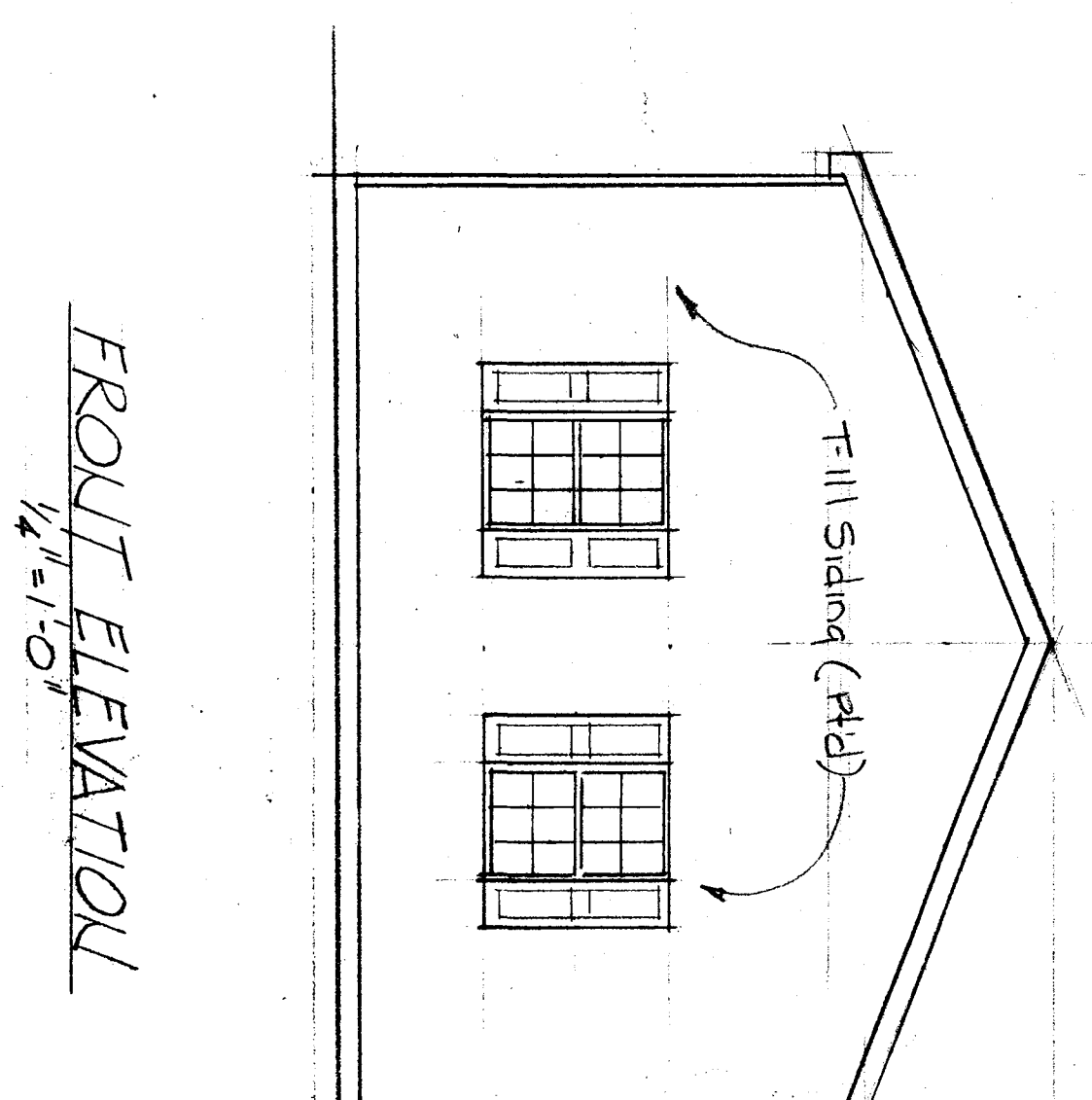
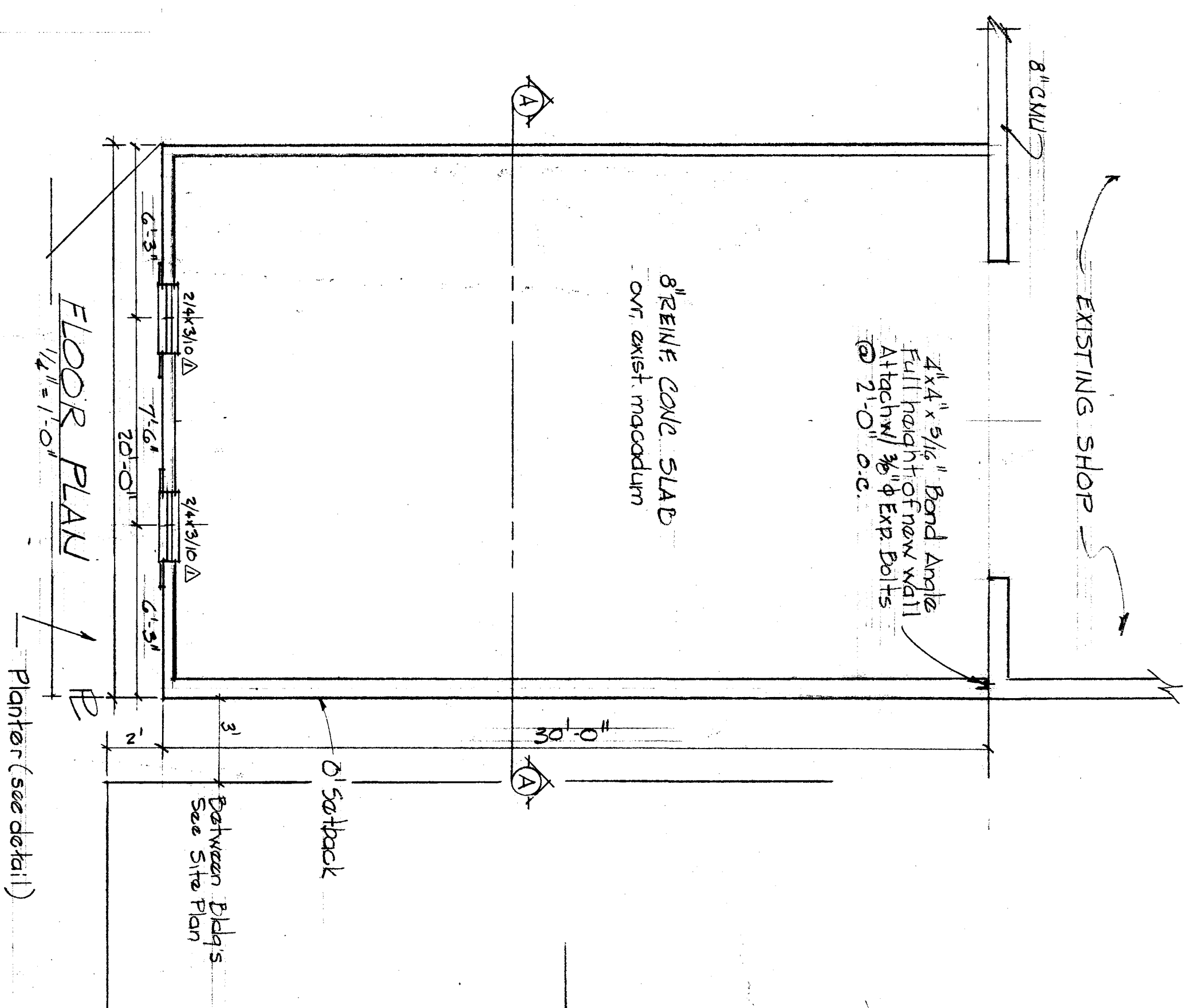



309 EASTERN BLVD
NE 16
15TH DIST



RECEIVED





SEAL		
Revisions	<u>Δ 5-9-98</u>	
ADDITION TO BAYSIDE AUTOBODY		
309 EASTERN BLVD		
BALTIMORE, MARYLAND 21221		
Owner: Russell N. Cleveland		
Phone: Feb 21, 1998		
Eng: Norman C. Emerich, 70-467-2455		
A of 1		

2